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The League of Nations Effective

By HAMILTON HOLT

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IN his famous Des Moines speech of October 7, 1920, in which he first definitely repudiated the League of Nations, Senator Harding said:

Our opponents are persistently curious to know whether if—or perhaps I might better say when—I am elected I intend to “scrap” the League. It might be sufficient in reply to suggest the futility of “scrapping” anything that is already scrapped.

A committee of thirty-one influential and distinguished Republicans issued, a week later, an appeal to all friends of the League urging them to vote for Mr. Harding on the theory that he would bring the United States into the existing League of Nations better than would Mr. Cox. They stated that:

The conditions in Europe make it essential that the stabilizing effect of the treaty already made between the European powers shall not be lost by them and that the necessary changes be made by changing the terms of the treaty rather than by beginning entirely anew. That course Mr. Harding is willing to follow.

It now turns out that Mr. Harding meant exactly what he said on October 7, and that the thirty-one eminent Republicans have misled the country in saying that he would bring the United States into the existing League modified to meet America's objects, for in his first message to Congress, delivered on April 12, he said:

In the existing League of Nations, world governing with its super powers, this Republic will have no part. There can be no misinterpretation and there will be no betrayal of the deliberate expression of the American people in the recent election; and, settled in our decision for ourselves, it is

only fair to say to the world in general and to our associates in war in particular that the League Covenant can have no sanction by us.

If any doubt remains of the attitude of the leaders of the Republican party on the existing League of Nations I make the following quotation from Senator Lodge who erected this tombstone above the grave when he said in the Senate on April 30, 1921:

The League, brought back by Mr. Wilson from Paris, as snarled up with the Treaty of Peace of Versailles, has been passed upon by the Senate and by the people, and that League, I venture to say, is dead. It is dead for the time being, anyway. It will stay dead, I think, at least four years, and I do not believe that any change of party in this country will ever restore life to that unhappy instrument.

What then is this League of Nations that Senator Harding said last October is “already scrapped” and President Harding says today “can have no sanction by us?” What is this moribund thing that the distinguished Chairman of the Foreign Relations Committee of the United States Senate declares is “snarled up” and “dead?”

I can not hope in this short article to bring in review all the things that have been done by the League of Nations and under its auspices since it began its official existence on January 10, 1920, exactly a year and a half ago. Things are happening with such cumulating swiftness that I doubt if anyone outside the Secretariat at Geneva can keep fully up-to-date in things accomplished and things projected. All I can hope to do is to present a few of

the more salient things that have been accomplished by the League or are now on its agenda.

At the present moment forty-nine nations have become members. Evidently they have no fears that the Covenant violates their constitutions or limits their sovereignty or independence. Indeed at the very first meeting of the Council, Lord Curzon, the British delegate, took occasion to answer this purely American criticism by saying:

It has sometimes been said that the League of Nations implies the establishment of a Super-State or a Super-Sovereignty. The very title "League of Nations" should be sufficient to dispel this misconception. The League does not interfere with nationality. It is upon the fact of nationhood that it rests. The League is an association of sovereign nations whose purpose is to reconcile divergent interests and to promote international coöperation in questions which affect—or may affect—the world at large.

Of the three principal agencies through which the League functions, all are already completely organized and all are effectively at work.

THE COUNCIL

The Council has so far held twelve separate sessions. At each one of these, questions of world importance have been discussed and so far the members have been able to come to unanimous agreement on every issue. It has already appointed the various commissions entrusted to it by the Covenant. Perhaps the most important of these is the Permanent Advisory Commission on Military, Naval, and Aerial Affairs, which was organized at the San Sebastian session and is now at work. This commission is composed of technical military experts. The principal duties of this commission are to propose plans for universal disarma-

ment; to advise as to the size of the armaments of the new states who apply for membership in the League; and to suggest plans for obviating the evil effects attendant upon the private manufacture of munitions and implements of war.

An eminent commission of jurists was appointed by the Council to work out the constitution of the Permanent Court of International Justice. It is no secret that Elihu Root was the dominating personality of the commission and to him more than any other member is due credit for the truly admirable plan that was worked out. The court has been accepted by the Council and ratified by the Assembly. It will be the first international tribunal on earth with original jurisdiction. The method of selecting the judges, which has baffled diplomacy since the failure of the Second Hague Conference to agree on a plan, has been happily solved by having the Council and Assembly select the judges. Thus Elihu Root, who has done so little to help and so much to hinder the establishment of the existing League of Nations, finds that only through the machinery of the League can his life dream of a Great World Tribunal be realized.

The Council has appointed a Provisional Committee on Communications and Transit. This Commission will take up all problems connected with international ports, waterways and railways, and it has been especially charged with making an early report on the abominations that exist through the world and especially in Europe since the war began in connection with through tickets, customs and passports.

The Conference on International Health was called by the Council and was held in London last April and chiefly concerned itself with the measures to be taken against the spread of typhus in Poland. This conference proposed

that a permanent health commission should be added to the commissions of the League, and as a means of abolishing typhus in Poland it took measures to establish a chain of seventy-two quarantine stations and two hundred hospitals.

The Council commissioned the great Norwegian statesman and explorer, Dr. Nansen, to supervise the repatriation of the half-million prisoners in Russia, ill-fed, almost unclothed, ravaged by disease and driven like slaves. Dr. Nansen reported to the Council that despite almost insuperable obstacles which were being encountered in finding shipping and raising funds and in carrying out many-sided negotiations between allies, former neutrals and Soviet authorities, there was a fair chance of saving most of the half-million soldiers before they starved to death last winter.

The Council called an International Financial Congress which completed its labors last summer in Brussels. It urged disarmament as a means to business rehabilitation and made important constructive suggestions in regard to international trade, finance, currency and exchange.

The Council has already taken cognizance of three international disputes, all of which might otherwise have led to war—those between Sweden and Finland, Poland and Lithuania, and Persia and Soviet Russia. Take the Aland Island case between Sweden and Finland, which raises the vital issue of the rights of secession under the League. Finland claimed the League had no jurisdiction over the case, as the Aland Islands were within her territory and the League can not pass on matters of purely domestic concern. Sweden claimed the League had jurisdiction of the dispute as a matter “affecting the peace of the world.” As Great Britain, a nation stranger to the dispute,

brought the matter to the attention of the League, we have here an almost exact parallel to what would happen if America should bring before the Council the question of Ireland’s independence. Not long ago the arbitration board appointed by the Council decided the case in favor of Finland.

The case of Armenia was taken up by the Council. As the League has no army or navy or treasury of its own it could not take the mandate for that tragic country. But it is devising a plan by which some single nation may be authorized to assume the mandate under the collective guarantee of the League.

The Council in addition to the above selected the commissions who will administer the Saar Valley and Danzig; it ordered the Secretariat to ask England and Japan to modify their treaty of offense and defense in the Far East so as to make it consistent with the Covenant; it called an International Conference of Seamen at Genoa; it heard India’s claim to be included in the governing body of the International Labor Office; it took under consideration France’s proposal to establish an International University at Brussels; it admitted Switzerland to membership in the League with such reservations as are required by the Swiss constitution; and it approved plans for sending a commission of labor leaders and employers into Soviet Russia to survey social and economic conditions there.

THE SECRETARIAT

All this and more the Council has been doing since January, 1920. The Secretariat has been equally active. I visited last summer its temporary quarters at 117 Picadilly, London, and there collected enough information to fill a book. Suffice it to say that the League appropriated 6,000,000 Swiss francs to purchase the National Hotel and neigh-

boring property at Geneva for the seat of the League, and there the Secretariat is now ensconced. The Secretariat is divided into the following sections: Legal, Mandates, Health, Transit, Finance, Information, Economics, Political and International Bureaus. Sir Eric Drummond, the secretary, has under him two hundred and twenty-five experts and assistants, all of whom are supposed to put the world above country and no one of whom, by decree of the Council, is allowed to accept decorations from governments while in office.

The International Labor Office, which was organized before the Council and Secretariat got in running order, is the farthest advanced of any of the Permanent Commissions of the League and is now functioning at Geneva under Albert Thomas of France, the director-general, and a governing body of twenty-four representatives of labor and capital from the most important industrial nations. It has held two important meetings already, one in Washington and the other in Paris. The third is convening in Geneva, where agricultural questions will predominate on the program. At the first conference six draft conventions were approved. They included provisions for the eight-hour day, protection of women and children in industry and the establishment of unemployment offices and insurance. These labor conventions are the Magna Charta of labor throughout the world and deserve the attention of all people interested in the progress of those who work for their livelihood.

THE ASSEMBLY

The Assembly was called by President Wilson. It met in Geneva, November 15, 1920. All things considered, the work it accomplished makes an extraordinary record. The official

reports are in the shape of a Provisional Verbatim Record of the thirty plenary sessions of the Assembly, an official journal giving a complete abstract of the work of the entire Congress, the *Proces-Verbaux* (minutes) of the six sub-committees of the Assembly, and several hundred documents covering every conceivable subject of interest, super-interest and non-interest to the Assembly.

I have gone over all this voluminous material with care, and I have no hesitation in saying, that considering that this was the first time nations ever met under a written constitution, that the session only lasted five weeks, that according to the Covenant the Assembly could not act except by unanimity and then only in an advisory capacity, the results accomplished were highly satisfactory and indicate that the League of Nations is not going to fail as its enemies have predicted, but is destined to grow in power and prestige until all nations enter its friendly circle and wars shall be no more.

What then did the Assembly do? In the first place forty nations sent delegates. These delegates sat together in thirty plenary sessions and held over fifty committee meetings. They approved all the work done by the various organs of the League in the first ten months of its existence. They admitted six new members, two of them recent enemies, Austria, Bulgaria, Finland, Luxemburg, Costa Rica and Albania. Four other states, formerly part of the Russian Empire, namely, Estonia, Latvia, Lithuania and Georgia, while not admitted, were nevertheless given immediate representation on the technical organizations of the League as a proof of the League's intention of admitting them at the earliest possible moment. Armenia was not admitted because of the tragic conditions prevailing in the Near East. But

her unhappy plight was the subject of much stirring debate. Finally when for one reason or another practically every nation in the League found itself unable to assume a mandate over Armenia, the Assembly unanimously passed a resolution expressing the hope that the efforts of the President of the United States energetically supported by the governments of Spain and Brazil and by the Council of the League will result in the preservation of the Armenian race and in securing for Armenia a stable government, exercising authority throughout the whole of the Armenian state, as the boundaries thereof may be settled under the treaty of Sevres, so that the Assembly may be able to admit her into full membership in the League at its next meeting.

Belgium was given the honor of having the first president of the Assembly. Her distinguished diplomat and statesman, Paul Hymans, was unanimously elected to the office. M. Motta, President of Switzerland, was elected honorary president. Twelve vice-presidents were nominated, the first six by virtue of their presiding over one of the six sub-committees, and the remaining six being named at large. These twelve vice-presidents are to serve as a steering committee of the Assembly until its next meeting.

Naturally the first thing done was to adopt rules of procedure. Not only were many technical questions to be decided, but it was necessary to define the jurisdiction of the Assembly and especially to see that it did not interfere with the rights of the Council. Perhaps the most important rule adopted was the suggestion of the Scandinavian delegates that the Assembly meet automatically once a year on the first Monday in September. Another significant rule was that where the Council and the Assembly have concurrent jurisdiction neither one can interfere

if the other has first taken cognizance of the matter.

Work with the Council

The Covenant gives the Assembly the right to appoint the four non-permanent members of the Council, but does not specify how this is to be done. The matter was discussed from two main viewpoints. One group held that no Assembly could bind its successors. The other maintained that the spirit of the Covenant implied a fair division of political power and a definite rotation of office. After considerable deliberation it was decided to leave the question for a future meeting and Spain, Brazil, Belgium and China were elected for one year only. The first three non-permanent members were already on the Council. But China's substitution for Greece was a great diplomatic triumph for that brilliant young Chinese delegate, Dr. Koo, who now has obtained for his country a position in the League where, through the unanimity principle prevailing on the Council, it can block any action proposed, especially in the interests of Japan.

The three Scandinavian kingdoms proposed amendments to the Covenant in respect to the annual meeting of the Assembly, the method of selection of the non-permanent members of the Council, the economic blockade and arbitration. Canada, whose delegates more than once startled the otherwise solemn sessions with some very frank and good American talk, actually proposed to eliminate from the Covenant the "nefarious" Article X. Argentina proposed that all sovereign states should be admitted on application. But the League had been in existence less than a year and it was thought better not to change the foundation stones until it was a little more evident how things were working out, and

especially until the Harding administration had come into office and had time to submit its proposals. So, although petulant Argentina left in a huff, the Council was asked to constitute a special Amendments Committee to study the whole question and submit a detailed report to the next meeting of the Assembly.

The Assembly referred several other questions to the Council on which it wished further light or thought the Council had prior or more appropriate jurisdiction. It requested the Council to appoint committees (a) to study and report on the sixty-nine treaties that had already been registered with the secretariat with a view to settling some legal questions that had arisen; (b) to determine the moment when the economic blockade should come into operation, and especially the exact method of its application in particular cases, notably when a state not a member of the League is to be proceeded against; (c) to consider means for securing throughout the world greater publicity of the meetings of the Assembly and the Council, and in general the work of the League; (d) to investigate the work, efficiency, number, salaries and allowances of the secretariat; (e) to arrive at a more equitable system of allocating the expenses of the League among its members than the apportionment of the Universal Postal Union affords; and (f) to inquire into the deplorable deportation of women and children in Armenia, Asia Minor, and neighboring countries with a view to stopping that hideous practice. On this committee there must be one woman.

Formation of Committees

The Assembly appointed several committees of its own. Of these the technical committees on health, transit, and economics and finance were per-

haps the most important. They were made autonomous in internal affairs, but under the supervision of the Assembly and the Council in all matters of policy.

The Office International d'Hygiène Publique in Paris was designated to form the nucleus of the League's Health Organization, which was charged with the coördination of the various health agencies in the world, the bringing of them into close coöperation with the International Labor Office, the Red Cross, etc., the hastening of concerted action in case of epidemics and the preparation of international health congresses. A medical secretariat with a competent staff is to be installed at Geneva, all under the general direction of an expert committee.

A General Conference on Freedom of Communications and Transit was to be called at Barcelona, Spain. This conference was charged with considering the whole transport problem and particularly with framing agreements necessitated by Article XXIII of the Covenant and the various conventions in existence in respect to international ports, waterways and railways. The conference was to act as a permanent advisory committee to the Assembly and Council and keep a watchful eye on all transit questions and arrange for future conferences.

The Permanent Advisory Economic and Financial Committee, which replaces the existing provisional committee, is given the broadest powers. It must consider ways and means to carry out immediately the recommendations agreed upon at the Brussels Conference. It must investigate any financial and economic problems submitted to it by the Council. It must prepare the agenda of the next International Conference, and summon it whenever the time seems opportune. The Assembly heartily endorsed the

principles promulgated at Brussels and especially enjoined upon the members of the League the necessity of employing for the present all their national wealth in strictly productive channels.

Probably the most important single act of the Assembly was the adoption, with but slight modifications, of the Permanent Court of International Justice as originally prepared by Elihu Root and his confrères at The Hague, and amended by the Council at its Brussels session. As Britain, France and Japan are evidently not ready yet to grant the court any compulsory jurisdiction (the United States Senate took the same view when the Taft arbitration treaties were before them), the draft was modified to prevent one nation from being able to haul another into court. But this was too reactionary for most of the lesser powers, so a compromise was effected whereby the nations so desiring could declare in advance what subjects they were willing to arbitrate and compulsory arbitration followed between those making the same declaration. But the great Court—the Court that when it comes into existence Elihu Burritt said would constitute “the highest Court of Appeals this side of the Bar of Eternal Justice”—is now finally approved. The states subscribe to it as it stands and both members and non-members of the League have the right and privilege of seeking its august arbitrament.

On Disarmament

The Assembly felt the “cosmic urge” for disarmament now prevalent throughout the world. But as the Technical Armament Commission appointed by the Council at its San Sebastian meeting had hardly had time to organize, and as America and Germany were outside the League, and as

Russia was in chaos, and wars and rumors of wars were rife throughout the four corners of the globe, it was evidently time to “*festina lente*.”

The Assembly approached the question of disarmament from the viewpoint that progress must be effected in three successive stages. First, there must be a general agreement among the members of the League not to increase their present armaments. Second, there must be a general agreement for proportional and simultaneous reduction in armaments or in existing military budgets. Third, there can then be such complete disarmament as will not jeopardize national security. Two concrete steps further were taken. A recommendation was adopted, by a vote of thirty to seven, asking the Council (a) to submit to the member states the question of the advisability of their not increasing their military budgets for the next two years and (b) to add to the present Technical Military Commission a temporary committee of political, social and economic experts, it being recognized that the problem of disarmament is by no means exclusively, perhaps not even chiefly, a military one.

In regard to the private manufacture of munitions and the possibility of the large stocks of war implements accumulated during the war getting into the less civilized zones of Asia and Africa, the Council was asked to initiate an immediate investigation into these dangers, and especially to urge upon all governments the immediate approval of the Convention of St. Germain for the control of trade in arms and ammunition, which has not yet been ratified.

Other Activities

No more pitiable condition exists outside of Armenia than in Poland, where one of the worst epidemics of

typhus in history has been raging for over two years. The Assembly heartily approved the work already accomplished under the auspices of the Council and, as showing the spirit animating its members, a large sum of money was contributed by the various governments to fight the scourge. Canada was the banner giver, making her donation equal to that of England and France, while China "came across" with \$10,000 and even ex-enemy Bulgaria contributed her mite. What is more, President Hymans was empowered to nominate a committee of three delegates to act in coöperation with the Public International Hygiene Office, the Red Cross, and the League of Red Cross Societies in raising funds for fighting epidemics throughout Central Europe.

The Secretariat was requested to send a questionnaire to all governments asking what measures they have taken to combat the world wide evil of the traffic in women and children. The governments signatory to the congresses of 1904 and 1910 are to be immediately urged to put those beneficent conventions into operation. An international conference will be held prior to the next meeting of the Assembly to coördinate the replies to the questionnaire and to prepare a program for united action.

The Netherlands government, which was charged by the opium conferences at The Hague in 1912, 1913, and 1914 with taking the initiative in the international war on opium, has transferred her responsibility to the shoulders of the League. The Assembly therefore called upon the Secretariat to collect all available data on the production, distribution and consumption of opium and appointed a committee of three to sift the information and to report to the Council three months before the next meeting of the Assembly.

The Assembly adopted a budget of 21,000,000 gold francs. This included 7,000,000 gold francs for the Labor Office. If America had been a member of the League our quota would have been about \$220,000, which is about one-tenth of one per cent of what we spent on military preparation before the war, and about two-thousandths of one per cent of what we spent on armaments during a single year of the war.

Finally, the Assembly refused to approve of Italy's proposal for an impartial international distribution of raw materials, it declined Senator La Fontaine's plea for the establishment of an international university at Brussels, and it was unwilling to record itself as favoring Esperanto as the international language.

No one, I think, can have read throughout, the debates that took place in the plenary sessions of the Assembly and in the sub-committees without being impressed with the very high order of parliamentary discussion achieved, and with the evident desire of all the delegates to do the utmost possible to establish the League on a firm foundation, and to work out the confronting international problems in a spirit of helpfulness, unselfishness and fair play. There was no outpouring of partisan "bunk," no descending to personalities and misrepresentation that so often occur in even the best regulated and most otherwise exemplary of national deliberative bodies. Japan, for instance, refused to raise the issue of race equality and Bolivia decided not to press for settlement her long-standing dispute with Chile in order that no untoward event in the early stages of the League might precipitate differences and destroy harmony that was evidently being reached on other matters.

Comparing the first meeting of the

Assembly with the first meeting of the United States Congress which was scheduled to take place in the City of New York on March 4, 1789, one finds the odds in favor of the Assembly. At Geneva every delegate was in his seat when the Conference opened, while a dozen other nations seeking admission to the League had their representatives present. On the date set at New York, however, but five of the thirteen states appeared. Of the twenty-two Senators elected only nine answered the roll call and of the Representatives only thirteen out of the fifty-nine were present. It was not until April 5 that a quorum of both houses appeared, and thus inaugurated the first session of the first Congress of the United States. Rhode Island, moreover, did not join the "association" until a year and a half after it was a going concern, so I suppose there is still hope that the United States may in its own good time and in its own peculiar way join the League.

COUNCIL AND ASSEMBLY

Since the meeting of the Assembly, the Council has held two sessions carrying out the work for the most part entrusted to it by the Assembly. It has found time, however, to take note of two matters of special interest to the United States. It has made a polite answer to Secretary Hughes' note on Yap, notifying the United States that the League was not given the power to allocate mandates but only to lay down the rules by which mandates were to be administered. It has also taken note of the Panama-Costa-Rica boundary dispute by dispatching an identical telegram to Panama and Costa Rica reminding them of their obligations under the Paris covenant to preserve peace and asking for the facts. The United States has officially taken no notice of

this, and as my pro-league friend, Mr. Theodore Marburg, well points out, misses a fine opportunity to show our good-will to the League even though we are not a member of it. For as Mr. Marburg says: "We might well have telegraphed to the Council of the League, 'Our treaty guaranteeing the territorial integrity of Panama gives us a special interest in her dispute with Costa-Rica. But we realize that we can not lay down rules of action for other nations, and ourselves refuse to conform to them. We therefore associate ourselves with you in calling upon both countries to cease fighting.'" Such action would have disclosed a friendly spirit such as the whole world would have appreciated. It would have helped, instead of slighting the League of forty-nine sister nations. And it would have disclaimed in the eyes of Latin-America intention to use high-handed methods in intervening in their affairs.

And now the Brazilian Ambassador, the acting President of the Council of the League of Nations, has just summoned the members of the League to send delegates to the second session of the Assembly to be opened at Geneva on Monday, September 5. A most interesting and important program is announced. The provisional agenda includes twenty-five items, the principal ones dealing with armament reduction, communication and transit, the opium traffic, the traffic in women and children, the typhus campaign, international health, and international coördination of intellectual work. It is also proposed to select the judges for the international court if a majority of the nations have by that time ratified the court protocol.

AMERICA AND THE LEAGUE

This then is the League of Nations that the American people are told is a

failure! This is the Association that is already "scrapped!" This is the super-state that would violate our constitution and destroy our liberties!

In conclusion may I quote from a letter just received from a high official of the League of Nations which was written to me from Geneva on April 27.

The situation here is most serious. The continued attacks from home are having a disastrous effect not only upon this League of Nations but on the whole theory of international coöperation and conference. People who entered the League on the theory that it was to be a universal League and that America was willing to take her part—and by that I decidedly do not mean by military or financial contributions—feel absolutely nonplussed by the reports that come from home.

Of course, I have no need to tell you with what surprise they have read the statements that the League is a super-state and the executor of the Peace Treaty. To one who has been right in the midst of the thing, the impotence of the League, except in a moral way, makes any charge of its being a super-state utterly wrong, whereas as regards the Peace Treaties, it has religiously, and many people think wrongfully, kept itself as far aloof from them as possible except where it has been called in not so much to enforce conditions as to ameliorate them.

However, the disastrous thing at the present moment is that this continued distrust and attack from America is giving the enemies of the League on this side perfectly invaluable ammunition. They are making every use of it to destroy not so much the League itself as the spirit and purpose behind the League, in other words to get back to the old selfish nationalistic diplomacy which bore such rich fruits in the years from 1914 to 1918. I honestly feel that if the situation continues much longer, if America fails to enunciate some real principles of coöperation to which she herself is willing to accede, we may come dangerously

close to the position of having destroyed the one really great ideal that was born in the war.

It is a big responsibility that is placed upon America today. The world is looking to her for some really constructive suggestions and if she fails to produce them, I have every fear that we shall fall into an era of cynicism and selfishness. I am utterly convinced that there is not one man in a thousand in the United States today who realizes the repercussions of America's attitude both in crippling the friends of those policies which we ourselves have always cherished and in aiding the enemies who support that old order which we have always fought. However, despite all these discouragements, and despite the widening circle of enemies, the League is going ahead as courageously as possible.

May I add that it is the duty of all true friends of the League to give Mr. Harding every opportunity to make good with his new association of nations. If it turns out that the Harding Association is substantially the Wilson League, only under another name, we can have no lasting quarrel with the President and the Republican dominant faction in the Senate, even though it is pretty picayune business, to say the least, for grown men to keep the world on the brink of revolution, famine and pestilence in order to save the faces of party politicians who can not otherwise get out of the holes they have dug for themselves.

If Mr. Harding, however, is unwilling or unable to give us an Association with teeth in it, the country must be organized to capture the Senate and the House for the existing League two years from now and the Presidency in 1925. Let our Republican leaders make no mistake. The League issue will not be settled until it is settled right.